

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Fig. 1. In Fig. 1, the reference numeral --10-- has been added.

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

Claims 1-30 are pending in the present application. Claims 27-30 have been added. Claims 1, 8, 11, and 17 have been amended. Claims 1, 8, 11, and 17 are independent claims. The Examiner is respectfully requested to reconsider the rejections in view of the above amendments and following remarks.

Drawings

The Examiner objected to the drawings for not including reference numeral "10" as described on pages 6 and 7. Attached hereto are drawing corrections in which Fig. 1 has been amended to include such a reference numeral. Accordingly, the Examiner is requested to withdraw this objection.

Claim Objection

The Examiner objected to the phrase "a plurality images" in claim 8. Applicants have amended claim 8 by changing the aforementioned phrase to --a plurality of images--. Accordingly, withdrawal of this objection is requested.

Rejections Under 35 U.S.C. § 102

Kung

Claims 1-7, 11-16, 18-20, 23, and 24 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,850,470 to Kung et al. (hereafter "Kung"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Initially, Applicants refer to MPEP § 2131, which sets forth the following:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of*

California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1 and 11 recite that the predetermined selection condition is specified by a user. It is respectfully submitted that Kung fails to teach or suggest this feature.

Kung teaches a neural network-based system for performing facial recognition. If a face is positively identified in the image, Kung teaches that the system extracts specific facial features (e.g., eyes) in the image in order to match them to a database of different people. If a match is found in the database, the system can positively identify the person in the photograph.

In the rejection, it is apparent that the Examiner relies on the extracted facial features in Kung for the claimed predetermined selection condition. However, Kung fails to teach or suggest that such features are specified by a user, as required by independent claims 1 and 11. Thus, Applicants submit that Kung does not set forth each and every element as defined in the claims, and the Examiner’s rejection based on § 102 has been obviated.

At least for the reasons set forth above, it is respectfully submitted that claims 1 and 11 are allowable. Further, Applicants submit that claims 2-7, 12-16, 18-20, 23, and 24 are allowable at least by virtue of their dependency on claims 1 and 11. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Nozaki

Claim 8 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Application Publication 2003/0193610 to Nozaki et al. (hereafter “Nozaki”). This rejection is respectfully traversed.

Nozaki merely teaches a technique for determining whether an image satisfies a predetermined photographing condition based on spatial frequency. Nozaki does not teach or suggest the claimed feature of “extracting data of an aimed object from each of said plurality of images” or “selecting a desired image including a desired aimed object from among said plurality of images,” as required by claim 8. In fact, in the Office Action of May 5, 2004 (hereafter “Paper No. 9”), it was acknowledged that “Nozaki does not teach that the selection of an image is based upon a desired aimed object within the teaching” (Paper No. 9 at page 6).

Furthermore, claim 8 has been amended to recite that the predetermined selection is specified by a user, thus even further distinguishing over Nozaki.

At least for these reasons, it is respectfully submitted that Nozaki fails to disclose each and every claimed feature of claim 8. Thus, Applicants respectfully submit that claim 8 is allowable. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Nozaki/Iijima

Claim 9 stands rejected under 35 USC § 103(a) as being unpatentable over Nozaki in view of U.S. Patent No. 6,823,080 to Iijima et al. (hereafter “Iijima”). Applicants respectfully submit that Iijima fails to remedy the deficiencies of Nozaki set forth above in connection with independent claim 8. Particularly, the Examiner relies on Iijima merely for inputting a parallax image and extracting data based on depth information (see present Office Action at page 8). Thus, it is respectfully submitted that claim 9 is allowable at least by virtue of its dependency on claim 8.

Nozaki/Windle

Claim 10 stands rejected under 35 USC § 103(a) as being unpatentable over Nozaki in view of U.S. Patent No. 6,606,117 to Windle (hereafter “Windle”). Applicants submit that Windle fails to remedy the deficiencies set forth above in connection with independent claim 8.

Further, the Examiner relies on Windle to teach setting a selection condition from a plurality of selection conditions. See present Office Action at page 9, citing Windle’s teaching of selecting a template from a list of available templates. However, Windle’s template is not a condition to be satisfied by a desired aimed object (see claim 8). Thus, Windle fails to teach the selection condition, as presently claimed.

Applicants respectfully submit that claim 10 is allowable at least by virtue of its dependency on claim 8. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Nozaki/Kung

Claims 21 and 22 stand rejected under 35 USC § 103(a) as being unpatentable over Nozaki in view of Kung. Applicants respectfully submit that Kung fails to remedy the deficiencies of Nozaki set forth above in connection with independent claim 8. For instance, as discussed above in connection with independent claims 1 and 11, Kung fails to teach or suggest the claimed feature of the predetermined selection condition being specified by a user. Accordingly, Applicants submit that claims 21 and 22 are allowable at least by virtue of their dependency on claim 8. Reconsideration and withdrawal of this rejection is respectfully requested.

Kung/Nozaki

Claims 17, 25, and 26 stand rejected under 35 USC § 103(a) as being unpatentable over Kung in view of Nozaki. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Similar to claims 1, 8, and 11, independent claim 17 has been amended to recite that the predetermined selection condition is specified by a user. As discussed above in connection with claims 1, 8, and 11, this feature is not taught by Kung or Nozaki.

At least for this reason, Applicants submit that claim 17 is allowable, and claims 25 and 26 are allowable at least by virtue of their dependency on claim 17. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

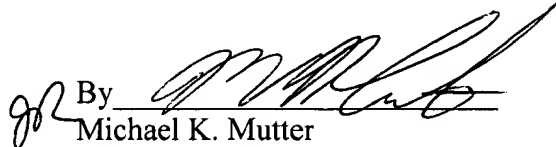
Application No. 09/586,601
Amendment dated February 22, 2006
Reply to Office Action of November 22, 2005

Docket No.: 3562-0103P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 22, 2006

Respectfully submitted,

By 
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments



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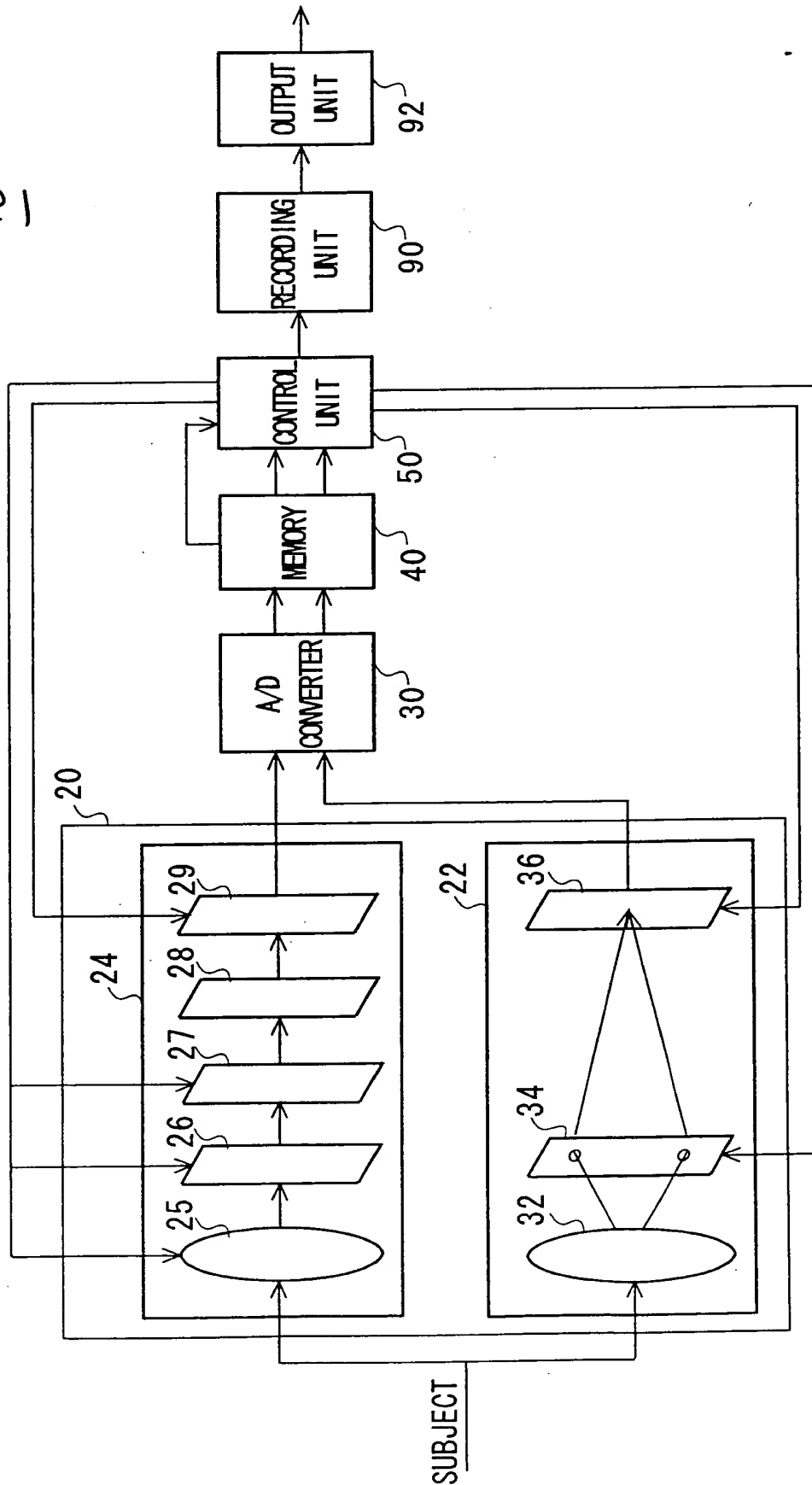


FIG. 1